




UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------|-------------|----------------------|---------------------|------------------|
| 10/717,501 | 11/21/2003 | William E. Eisele | P24110 | 7618 |
| 7055 | 7590 | 09/14/2004 | EXAMINER | |
| GREENBLUM & BERNSTEIN, P.L.C. | | | NGUYEN, CHAU N | |
| 1950 ROLAND CLARKE PLACE | | | ART UNIT | |
| RESTON, VA 20191 | | | PAPER NUMBER | |
| | | | 2831 | |

DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---|---|
| Office Action Summary | Application No. 10/717,501 | Applicant(s) EISELE, WILLIAM E. | |
| | Examiner Chau N Nguyen | Art Unit 2831 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-19 is/are allowed.
- 6) ☒ Claim(s) 1 and 20 is/are rejected.
- 7) ☒ Claim(s) 2-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cunningham et al. (3,717,717) in view of McLeod (5,684,274).

Cunningham et al. discloses a thermal shield and hermetic seal for a spliced portion of cable, comprising a plurality of insulated conductors, the thermal shield and hermetic seal protecting the spliced portion against exposure to heat, oxygen and ultraviolet radiation, and comprising a sheet of non-rigid conductive material (36) wrapped over at least one exposed insulated conductor of the spliced portion of the cable, and the sheet of conductive material contacting the at least one exposed insulated conductor, a pressure wrap (12) wrapped over the sheet of conductive material.

Cunningham et al. does not disclose the conductive material being aluminum nor a rigid enclosure housing the sheet of aluminum material and the pressure wrap

(re claims 1 and 20). Although not specifically disclosed, it would have been obvious to one skilled in the art to use aluminum for the conductive sheet (36) of Cunningham et al. since aluminum is a well-known conductive material.

McLeod discloses a rigid enclosure for housing a cable splice. It would have been obvious to one skilled in the art to enclose the aluminum sheet and the pressure wrap of Cunningham et al. with the enclosure of McLeod to further protect the splice from the environment.

Allowable Subject Matter

3. Claims 7-19 are allowed.
4. Claims 2-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The following is a statement of reasons for the indication of allowable subject matter: amended claim 7 could have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,703,563 (Eisele). However, the applicant has filed a Terminal Disclaimer, on July 29th 2004, which is proper and has been recorded.

Accordingly, claims 2-19 are allowed in view of the Terminal Disclaimer filed on July 29th 2004.

Response to Arguments

6. Applicant's arguments filed July 29th 2004 have been fully considered but they are not persuasive. Regarding claims 1 and 20, applicant argues that the hollow tube (12) of Cunningham et al. is not a "pressure wrap" or "stretch wrap" that is wrapped around the layer of non-rigid conductive material. This argument is not found persuasive. Although the tube (12) of Cunningham et al. is just a hollow tube, it does wrap around the layer (36) under pressure (applied heat), and the layer (36) of Cunningham et al., in fact, is a sheet of non-rigid conductive material (see Cunningham et al., col. 3, lines 8-9).

Summary

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the

advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau N Nguyen whose telephone number is 571-272-1980. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Chau N Nguyen', with a stylized, flowing script.

Chau N Nguyen
Primary Examiner
Art Unit 2831